



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

NS  
F. #2016R01322

*271 Cadman Plaza East  
Brooklyn, New York 11201*

June 16, 2017

By FedEx and ECF

Zoe Dolan, Esq.  
555 West 5th Street, 35th Floor  
Los Angeles, CA 90013

Re: United States v. Carlos Martinez  
Criminal Docket No. 17-281 (BMC)

Dear Ms. Dolan:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant

Enclosed please find the following documents and items, containing pedigree information provided by your client to law enforcement agents at the time of his arrest and/or your client's signature, as well as your client's post-arrest statements to law enforcement agents (Bates-numbered CRM000001-CRM003361):

- FBI FD-302 Report dated June 9, 2017 re Defendant's Arrest (Bates-numbered CRM000001-CRM000002);
- FBI FD-302 Report dated June 9, 2017 re Defendant's Post-Arrest Statements (Bates-numbered CRM000003-CRM000006) and associated agent handwritten notes (CRM000007-CRM000011);
- U.S. Department of Justice Office of the Inspector General ("DOJ-OIG") Form III-226/2 dated May 25, 2017 (Bates-numbered CRM000012);

- FBI FC-395 Advice of Rights Form dated May 25, 2017 (Bates-numbered CRM000013);
- DOJ-OIG Form III-233/2 Receipt for Cash or Other Items dated May 25, 2017 (Bates-numbered CRM000014);
- United States Marshals Service USM-312 Form (Bates-numbered CRM000015-16);
- United States Marshals Service USM-129 Form (Bates-numbered CRM000017-18); and
- Fingerprint card (Bates-numbered CRM000019-20).

B. The Defendant's Criminal History

Please find attached your client's criminal history report (Bates-numbered CRM000021-CRM000026).

C. Documents and Tangible Objects

Enclosed please find copies of the following documents:

- Federal Bureau of Prisons TRUINTEL Log Entries by Event Date Report for MDC Unit 6 South for the period November 2015 through April 2016 (Bates-numbered CRM000027-CRM001807);
- Records from AETNA related to the defendant (Bates-numbered CRM001808-CRM002014)
- Medical records from Maimonides Medical Center related to the defendant (Bates-numbered CRM002015-CRM002064);
- Subscriber information and IP address information from Facebook (Bates-numbered CRM002065-CRM002080)<sup>1</sup>
- Facebook search warrant return (Bates-numbered CRM002081-CRM002772);
- Affidavit in Support of Search Warrant and Search Warrant to Facebook (Bates-numbered CRM002773-CRM002802);
- Google Records (Bates-numbered CRM002803-CRM002805);
- Redacted Monitored Call List for Jane Doe (Bates-numbered CRM002806-CRM002812);
- T-Mobile records for telephone number (718) 490-8719 (Bates-numbered CRM002813-CRM002826)
- USAA Federal Savings Bank records (Bates-numbered CRM002827-CRM002863);

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<sup>1</sup> Excel files and .zip files whose pages could not be Bates-stamped individually have been assigned one Bates-number for the entire file (i.e. Bates-number CRM002080 refers to the entirety of the Facebook .zip file).

- Verizon records for telephone number (718) 436-0960 (Bates-numbered CRM002864-CRM002877);
- Defendant's "eOPF" File (Bates-numbered CRM002876-CRM003115);
- Defendant's Daily Assignments for the period January 1, 2015 through February 25, 2017 (Bates-numbered CRM003116-CRM003131);
- Defendant's Time and Attendance Records for February 22, 2015 through April 2016 (Bates-numbered CRM003132-CRM003193);
- MDC Activities Lieutenant Special Instructions (Bates-numbered CRM003194-CRM003209); and
- Photographs of various areas in the MDC's East Building (Bates-numbered CRM003208-CRM003361).

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

## II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

## III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a "formal offer" or a "plea offer,"

